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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/991,762	11/21/2001	Margaret Sue Ellis	1698/US	5316
20686 7590 05/21/2007 DORSEY & WHITNEY, LLP INTELLECTUAL PROPERTY DEPARTMENT 370 SEVENTEENTH STREET SUITE 4700 DENVER, CO 80202-5647			EXAMINER TINKLER, MURIEL S	
			ART UNIT 3691	PAPER NUMBER
			MAIL DATE 05/21/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/991,762

Applicant(s)

ELLIS, MARGARET SUE

Examiner

Muriel Tinkler

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3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 and 41-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 and 41-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This application has been reviewed. Claims 39, 40 and 44 have been cancelled. Claims 1-38 and 41-43 are pending. The rejection(s) are as follows.

Double Patenting

1. Claims 1-38 and 41-43 of this application conflict with claims 1-34 and 62 of Application No. 09/992348. 37 CFR 1.78(b) provides that when two or more applications filed by the same applicant contain conflicting claims, elimination of such claims from all but one application may be required in the absence of good and sufficient reason for their retention during pendency in more than one application. Applicant is required to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications. See MPEP § 822.
2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir.

1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1-38 and 41-43 provisionally rejected on the ground of nonstatutory double patenting over claims 1-34 of copending Application No. 09/992348. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

4. The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: a method of analyzing/estimating financial outcome for a loan pool comprising obtaining the value of a property, net proceeds amount from sale or property, estimated liquidation time, estimated total debt amount and displaying the financial results.

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5. Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-3, 5-8, 10-13 and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by Tilton (US 6,654,717 B2).

8. Re Claims 1 and 41, Tilton discloses: a method of analyzing a loan pool in column 2 (line 51) through column 3 (line 27) and column 3 (line 59) through column 4 (line 44); storing an electronic record of the loan pool in figure 6; receiving and applying a risk filter in figures 2A-2D and column 8 (lines 21-50); and, displaying at least one loan in figures 17B & 19, column 23 (lines 8-54) and column 25 (lines 11-37).

9. Re Claim 5, Tilton discloses using at least one property characteristic in column 20 (lines 43-61).

10. Re Claim 6, Tilton discloses that a loan filter can include a borrower characteristic in figures 2A-2D, column 6 (line 65) through column 7 (line 16) and column 8 (line 21) through column 9 (line 34).

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11. Re Claim 7, Tilton discloses that a filter can include identifying a servicing issue characteristic with a loan in column 2 (line 51) through column 3 (line 28).

12. Re Claim 8, Tilton discloses that a filter can include identifying a loan history characteristic with a loan in column 1 (lines 24-48).

13. Re Claims 10-13, see the rejection of claims 6-8 above.

Claim Rejections - 35 USC § 103

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 4, 9, 14-32, 34-38, 42 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tilton in view of Mini et al. (US 6,684,196 B1).

16. Re Claim 4, Tilton discloses the information in claim 1, as discussed above.

Tilton does not disclose the use of mortgage loans. Mini et al. teaches the use of mortgage loans in the Background of the Invention and column 12 (line 54) through column 13 (line 24). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Tilton in view of Mini et al. to include the use of a mortgage loan terms to ensure that only serious buyers whose intentions are aligned with the seller's submit bid and to significantly reduce the negotiation time.

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17. Re Claim 9, Tilton discloses the information in claim 1, as discussed above. Tilton does not disclose a filter using mortgage insurer characteristics. Mini et al. teaches the act of sorting loans according to mortgage insurer characteristics in the Summary of the Invention, column 6 (lines 13-27), column 9 (lines 53-63) and column 14 (lines 30-47). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Tilton in view of Mini et al. to include the act of sorting loans according to mortgage insurer characteristics to allow a streamlined process that reduces transaction costs, increases accessibility and saves time.
18. Re Claims 14 and 42, Tilton discloses obtaining an estimated liquidation time in figure 23B, column 2 (line 51) through column 3 (line 28) and column 38 (line 66) through column 39 (line 15). See also the rejection(s) of Claims 4 and 9 above.
19. Re Claim 15, Tilton discloses the use of a decision tree in figures 2B, 2C, 24B and 25.
20. Re Claims 16 and 17, see the rejection of claims 14 and 15 above.
21. Re Claim 18, Tilton discloses the use of a time factor in a payment plan in column 17 (lines 47-65).
22. Re Claim 19, Tilton discloses: associating bankruptcy with a loan in the Field of the Invention; associating a time factor with a loan in column 9 (lines 5-34).
23. Re Claim 20, Tilton discloses a loan exceeding a time factor in figure 7B and column 15 (lines 40-55).
24. Re Claims 21-24 see claims 15, 19 and 20.

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25. Re Claim 25, Tilton discloses the act of a defaulting on a loan in column 1 (line 54) through column 2 (line 11).
26. Re Claims 26-32, see claims 25, 15, 19 and 20 above.
27. Re Claims 34-36, 38 and 43 see claims 14, 20 and 25 above.
28. Re claim 37, Tilton discloses the use of an appraisal value in column 7 (lines 29-41).
29. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tilton and Mini as applied to claim 31 above, and further in view of Weiss (US 2002/0035520 A1).
30. Re Claim 33, Mini et al. discloses the use of marketing to sell a property in column 7 (lines 13-28). Tilton and Mini et al. do not specifically disclose the act of extending the time period depending on seller issue with the property. Weiss discloses this in paragraphs 48-49. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Tilton in view of Mini et al. to include a time for marketing to sell a property to obtain an more accurate time frame of when the property will sell and how much time and effort will be required to market the property.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Muriel Tinkler whose telephone number is (571)272-

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7976. The examiner can normally be reached on Monday through Friday from 7:30 AM until 4 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571)272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MT
May 8, 2007



HANI M. KAZIMI
PRIMARY EXAMINER